

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

UNITED STATES OF AMERICA

VERSUS

CIVIL ACTION NO. 5:06CR19-DCB

ASTRID WARNOCK

DEFENDANT

ORDER CORRECTING JUDGMENT

This matter is before the Court *sua sponte*.

On December 11, 2006, Astrid Warnock was sentenced to thirty-three months of incarceration, and she was ordered to repay \$1,375,100.00 in restitution, \$1,000,100.00 to Trustmark National Bank and \$375,000 to Progressive Insurance. The criminal judgment [docket entry no. 9] includes a special instruction, which ordered the defendant to relinquish various assets "to be paid toward the restitution owed Trustmark National Bank." (Judgment, 6.) In these instructions, no reference was made to Progressive. The omission of Progressive was a clerical error, and that error should be corrected. See Fed. R. Crim. P. 36; United States v. Witt, 187 Fed. Appx. 406 (5th Cir. 2006) (stating that sentencing Court has authority to correct clerical errors in criminal judgment). The special instruction should state,

The Court orders the defendant to relinquish control of the following assets, to be paid on a pro rata basis toward the restitution owed to Trustmark National Bank (TNB) and Progressive Insurance: \$100,000.00 cash; \$15,203.05 TNB checking account; \$60,647.50 (one-half of mutual savings account); \$27,500.00 in two (2) TNB Certificates of Deposit; \$42,185.83 in combined TNB stock and 401K; and \$43,900.00 to be paid using one-half of

real estate equity.

Accordingly,

IT IS HEREBY ORDERED that the judgment should be corrected in accordance with the foregoing pursuant to Federal Rule of Criminal Procedure 36,

IT IS FURTHER ORDERED that a corrected judgment shall issue.

SO ORDERED, this the 31st day of January, 2007.

s/David Bramlette
UNITED STATES DISTRICT JUDGE